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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GARY WIEGERT, 96-A-6658,,

Petitioner,

-v-

05-CV-6471L

**ORDER**

JAMES T. CONWAY,

Respondent.

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Petitioner Gary Wiegert requests a certificate of appealability in connection with this Court's February 23, 2006 Decision and Order dismissing his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254.

The Court hereby certifies that pursuant to 28 U.S.C. § 1915(a)(3), any appeal from the February 23, 2006 Decision and Order would not be taken in good faith, and leave to appeal to the Court of Appeals as a poor person is denied. Coppedge v. United States, 369 U.S. 438, 82 S. Ct. 917, 8 L. Ed.2d 21 (1962). Further requests to proceed on appeal as a poor person should be directed, on motion, to the United States Court of Appeals for the Second Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESKA  
United States District Judge

Dated: May 5, 2006  
Rochester, New York

